

1707 U.S. PAT. & T. OFFICE
08/18/03

Attorney Docket No.:

2865-USB

DIVISION - CONTINUATION - CONTINUATION-IN-PART
APPLICATION TRANSMITTAL FORM

	Anticipated Classification Of This Application: Class _____ Subclass _____		Prior Application: Examiner _____ Prema M. Mertz	Art Unit _____ 1646
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To the Commissioner for Patents:

This is a request for filing a continuation divisional continuation-in-part application, under 37 CFR 1.53(b), of pending prior application Serial No. 10/056,984 filed on January 25, 2002 of David John Cosman and Bruce Mosley for H14 DNA AND POLYPEPTIDES

For CONTINUATION or DIVISIONAL APPLNs only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 1b, below, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

1. Transmitted herewith are:
 - 39 pages of specification, 3 pages of claim(s) and 1 page of abstract, totaling 43 pages.
 - sheet(s) of drawings.
 - 2 pages of Oath or Declaration by the applicant(s):
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional appns. only)
 - 6 pages of Sequence Listing;

2. The filing fee is calculated below:

For	Number Filed	Number Extra	Rate	Fee
Total Claims	0	- 20 =	x \$18.00 =	\$ 0.00
Independent Claims	0	- 3 =	x \$84.00 =	0.00
Multiple Dependent Claims	0		+ \$280.00 =	0.00
Basic Fee			\$750.00 =	0.00
			Total Filing Fee	0.00

3. Please charge Deposit Account No. 09-0089, in the name of Immunex Corporation, in the amount of\$ _____. An original and one copy are enclosed.
4. Throughout the prosecution of this application, if any extension of time is necessary, please consider this a request therefor.
5. The Commissioner is hereby authorized to charge any additional filing fees which may be required by the accompanying application, any additional fees which may be required during pendency of this application as required by 37 CFR 1.16 or 1.17, or credit any overpayment to Deposit Account No. 09-0089 throughout the prosecution of this application.
6. Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

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7. Preliminarily, please amend the specification by inserting before the first line the following:

--This application is a continuation division of application Serial No. _____, filed _____, which is/are hereby incorporated by reference.--

8. Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by § 1.138 and before payment of base issue fee.)

8a. New formal drawings are enclosed.

9. Priority of application Serial No. _____ filed on _____ in _____
is claimed under 35 USC 119.

9a. The certified copy has been filed in prior application Serial No. _____ filed _____

10. The prior application is assigned of record to Immunex Corporation February 10, 2000 Reel 010593 Frame 0537

11. A preliminary amendment is enclosed.

12. Also enclosed Sequence Listing Statement Under 37 CVFR §1.821(e); Information Disclosure Statement; form PTO-1449; Petition for Extension of Time (+ copy); Associate Power of Attorney

13. Other: _____

14. The power of attorney in the prior application is to:
Suzanne A. Sprunger

- a. The power appears in the original papers in the prior application.
- b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. Address all future communications to
Suzanne A. Sprunger, Ph.D.
at the address below.

Signator: Assignee of complete interest

Attorney or agent of record

Suzanne A. Sprunger, Ph.D.
Attorney for Applicants
Registration No. 41,323
Phone: (206) 265-4071
Date: August 18, 2003

Please send all future correspondence to:

Immunex Corporation
Law Department
51 University Street
Seattle, WA 98101
(206) 587-0430



22932

PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:
David John Cosman and Bruce Mosley

Docket No.: 2865-USB

Serial No.: --to be assigned--

Prior Application:

Serial No.: 10/056,084

Filing Date: August 18, 2003

File Date: January 25, 2002

Art Unit: 1646

Examiner: Prema M. Mertz

For: H14 DNA AND POLYPEPTIDES

CERTIFICATE OF MAILING BY EXPRESS MAIL

MAIL STOP BOX PATENT APPLICATION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL LABEL NUMBER: ET 437819806 US

I hereby certify that the following correspondence is enclosed and is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date listed below, and is addressed to Mail Stop BOX PATENT APPLICATION, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

- Postcard
- Application for Patent Cover Sheet (2 pages + copy)
- Preliminary Amendment
- Specification, claims and abstract (43 pgs.)
- Sequence Listing (6 pgs)
- Sequence Statement Under 37 CFR 1.821(e)
- Copy of Declaration from prior application
- Copy of Associate Power of Attorney from prior application
- Petition for Extension of Time (+ copy)
- Information Disclosure Statement
- Form PTO 1449

Signed: *Elizabeth M. McCarthy*
Elizabeth M. McCarthy

Date: *August 18, 2003*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of: Docket No.: 2865-USB
David John Cosman and Bruce Mosley
Serial No.: -- to be assigned -- Examiner: Prema M. Mertz
Filed: August 18, 2003 Art Unit: 1646
For: H14 DNA AND POLYPEPTIDES

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136 (a)

Mail Stop PATENT APPLICATION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Applicants respectfully request that the time for filing this Continuation in response to the office Action (Paper No. 7), dated February 21, 2003, for serial no. 10/056,984, be extended for a period of three months to August 21, 2003. A Continuation application is being filed concurrently with this Petition.

The Commissioner is authorized to charge the required fee of \$930 and any other fee occasioned by this response to Deposit Account No. 09-0089. A copy of this Petition is provided for this purpose.

Respectfully submitted,



Suzanne A. Sprunger, Ph.D.
Registration No. 41,323

Law Department
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Seattle, WA 98101
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